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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

) Case No. CV -	ODW(x)
	Plaintiff(s),)	SCHEDULING AND CASE
)	MANAGEMENT ORDER
vs.)	FOR CASES ASSIGNED TO
)	JUDGE OTIS D. WRIGHT II
	Defendant(s).)	
	_____)	

This Order is to advise the parties and counsel of the schedule that will govern this case. **SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES.** Ordinarily, the dates set forth on the last page are determined after consultation with the parties at the Fed. R. Civ. P. 16(b) Scheduling Conference. This Order is distributed to them at that time. The dates and requirements are firm. The Court is unlikely to grant continuances, even if stipulated by the parties, unless the parties establish good cause through a concrete showing.

IT IS HEREBY ORDERED:

1. To secure the just, speedy and inexpensive determination of every action, all counsel are ordered to familiarize themselves with and follow the Federal Rules of

1 Civil Procedure and the Local Rules of the Central District of California. This Court
2 follows these rules and they will govern this litigation.

3 2. Because this Order in some respects modifies or adds to the Local Rules,
4 counsel are advised to read it carefully. Counsel are advised to pay particular attention
5 to the requirements of the Court with respect to the filing of motions for summary
6 judgment and documents to be submitted at the Final Pretrial Conference and Trial.

7 3. The attorney attending any proceeding before this court must be an attorney
8 who is thoroughly knowledgeable about the case, responsible for the conduct of the
9 litigation, and who has authority to enter into stipulations and to make admissions
10 regarding all matters that the participants reasonably anticipate may be discussed. Lead
11 counsel who will actually try the case must attend the Pretrial Conference. A party who
12 is not represented must attend all proceedings in person.

13 4. **Courtesy Copies:** It is NOT necessary for parties to file courtesy copies
14 in civil cases unless the filing is time sensitive (i.e. ex parte applications, temporary
15 restraining orders, etc.). If a courtesy copy is delivered, it should be placed in the
16 drop-box outside chambers. All original filings are to be filed at the filing window
17 (Clerk's Office, Room G-19), NOT in chambers and NOT in the courtroom.

18 5. **Discovery Cut-Off:** All discovery shall be completed by the discovery
19 cut-off date specified on the last page of this Order. **THIS IS NOT THE DATE BY**
20 **WHICH DISCOVERY REQUESTS MUST BE SERVED; IT IS THE DATE BY**
21 **WHICH ALL DISCOVERY IS TO BE COMPLETED.**

22 Any motion challenging the adequacy of responses to discovery must be heard
23 sufficiently in advance of the discovery cut-off date to permit the responses to be
24 obtained before that date if the motion is granted.

25 In an effort to provide further guidance to the parties, the Court notes the following:

26 a. **Depositions:** All depositions shall be scheduled to commence
27 sufficiently in advance of the discovery cut-off date to permit their completion and to
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1 permit the deposing party enough time to bring any discovery motions concerning the
2 deposition prior to the cut-off date.

3 b. **Written Discovery**: All interrogatories, requests for production of
4 documents, and requests for admissions shall be served sufficiently in advance of the
5 discovery cut-off date to permit the discovering party enough time to challenge (via
6 motion practice) responses deemed to be deficient.

7 c. **Discovery Motions**: Whenever possible, the Court expects the
8 parties to resolve discovery issues among themselves in a courteous, reasonable and
9 professional manner. The Magistrate Judge assigned to this case will rule on discovery
10 motions. (The Magistrate Judge's initials follow the district judge's initials next to the
11 case number on the first page of this Order.) Counsel are directed to contact the
12 Magistrate Judge's courtroom deputy clerk to schedule discovery matters for hearing.
13 Counsel should not deliver courtesy copies of these discovery documents to this court.

14 d. **Expert Discovery**: If expert witnesses are to be called at trial, the
15 parties shall designate affirmative experts to be called at trial and provide reports
16 required by Fed. R. Civ. P. 26(a)(2)(B) not later than eight weeks prior to the discovery
17 cut-off date. Rebuttal expert witnesses shall be designated and reports provided as
18 required by Fed. R. Civ. P. 26(a)(2)(B) not later than five weeks prior to the discovery
19 cut-off date. Failure to timely comply with deadlines may result in the expert being
20 excluded at trial as a witness.

21 6. **Motions and Motion Cut-Off Date**

22 a. **General Provisions**: All law and motion matters, except for motions
23 in limine, must be set for hearing (not filing) by the motion cut-off date specified on the
24 last page of this Order.

25 This Court hears motions on Mondays, beginning at 1:30 p.m.

26 The parties must adhere to the requirements of the Local Rules. See Local Rules
27 7-1 et seq. If any party does not oppose a motion, that party shall submit a written
28 statement that it does not oppose the motion in accordance with Local Rule 7-9. The

1 parties should note that failure to meet the time limits for filing an opposition set forth
2 in Local Rule 7-9 shall be deemed consent to the granting of the motion. *See* Local Rule
3 7-12.

4 The title page of all motions must state the Pre-Trial Conference date and the Trial
5 date. Counsel must comply with Local Rule 7-3, which requires counsel to engage in
6 a pre-filing conference "to discuss thoroughly . . . the substance of the contemplated
7 motion and any potential resolution."

8 Issues left undetermined after the passage of the motion cut-off date should be
9 listed as issues for trial in the Final Pre-Trial Conference Order. As an exception to the
10 above, motions in limine dealing with evidentiary matters may be heard pursuant to the
11 schedule specified on the last page of this Order.

12 Ex parte practice is discouraged. *See Mission Power Eng'g v Co. vs. Continental*
13 *Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). The Court will require strict adherence to
14 proper ex parte procedures for any ex parte application filed with the Court. *Id.* at 492;
15 *see also* Judge Wright's Standing Order and Local Rule 7-19.

16 b. **Applications and Stipulations to Extend Time:** Applications to
17 extend the time to file any required document or to continue any hearing, Pre-Trial
18 Conference or Trial date must set forth the following:

- 19 (i) the existing due date or hearing date, as well as the discovery
20 cut-off date, the Pre-Trial Conference date, and the Trial date;
- 21 (ii) specific, concrete reasons supporting good cause for granting
22 the extension; and
- 23 (iii) whether there have been prior requests for extensions, and
24 whether these requests were granted or denied by the Court.

25 c. **Joinder of Parties and Amendment of Pleadings:** The deadline for
26 joining parties and amending pleadings is ninety days after the date of this Order. Any
27 motions to join other parties or for leave to amend the pleadings shall be filed within
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1 sixty days of the date of this Order so that they can be heard and decided prior to the
2 deadline.

3 In addition to the requirements of Local Rule 15-1, all motions to amend the
4 pleadings shall: (1) state the effect of the amendment; (2) be serially numbered to
5 differentiate the amendment from previous amendments; and (3) state the page, line
6 number(s), and wording of any proposed change or addition of material.

7 The parties shall deliver to Chambers a redlined version of the proposed
8 amended pleading indicating all additions and deletions of material.

9 d. **Summary Judgment Motions:** Parties need not wait until the
10 motion cutoff to bring motions for summary judgment or partial summary judgment.
11 However, the court expects that the party moving for summary judgment will provide
12 more than the minimum twenty-one (21) day notice for motions. Because summary
13 judgment motions are fact-dependent, parties should prepare papers in a fashion that will
14 assist the court in absorbing the mass of facts (*e.g.*, generous use of tabs, tables of
15 contents, headings, indices, etc.). The parties are to comply precisely with Local Rule
16 56-1 through 56-4. The Court will also require adherence to the following requirements:

17 (i) **Statement of Uncontroverted Facts and Statement of**
18 **Genuine Issues of Material Fact:**

19 The Separate Statement of Uncontroverted Facts is to be prepared in a two column
20 format. The left-hand column should set forth the allegedly undisputed fact. The
21 right-hand column should set forth the evidence that supports the factual statement. The
22 factual statements should be set forth in sequentially numbered paragraphs. Each
23 paragraph should contain a narrowly focused statement of fact. Each numbered
24 paragraph should address a single subject in as concise a manner as possible.

25 The opposing party's Statement of Genuine Issues of Material Fact must be in two
26 columns and track the movant's Separate Statement exactly as prepared. The document
27 must be in two columns; the left-hand column must restate the allegedly undisputed fact,
28 and the right-hand column must indicate either undisputed or disputed. The opposing

1 party may dispute all or only a portion of the statement, but if disputing only a portion,
2 must clearly indicate what part is being disputed. Where the opposing party is disputing
3 the fact in whole or part, the opposing party must, in the right-hand column, label and
4 restate the moving party's evidence in the support of the fact, followed by the opposing
5 party's evidence controverting the fact. Where the opposing party is disputing the fact
6 on the basis of an evidentiary objection, the party must cite the evidence alleged to be
7 objectionable and state the ground of the objection and nothing more. **No argument**
8 **should be set forth in this document.**

9 The opposing party may submit additional material facts that bear on or relate to
10 the issues raised by the movant, which shall follow the format described above for the
11 moving party's Separate Statement. These additional facts shall follow the movant's
12 facts, shall continue in sequentially numbered paragraphs (i.e. if movant's last statement
13 of fact was set forth in paragraph 30, then the first new fact will be set forth in paragraph
14 31), and shall set forth in the right-hand column the evidence that supports that
15 statement.

16 The moving party, in its reply, shall respond to the additional facts in the same
17 manner and format that the opposing party is required to adhere to in responding to the
18 Statement of Uncontroverted Facts, as described above.

19 (ii) Supporting Evidence. No party should submit any evidence
20 other than the specific items of evidence or testimony necessary to support or controvert
21 a proposed statement of undisputed fact. Thus, for example, the entire transcripts of
22 depositions and/or entire sets of interrogatory responses should generally not be
23 submitted in support of or in opposition to a motion for summary judgment.

24 Evidence submitted in support of or in opposition to a motion for summary
25 judgment should be submitted either by way of stipulation or as exhibits to a declaration
26 sufficient to authenticate the proffered evidence, and should not be attached to the
27 memorandum of points and authorities. The Court will accept counsel's authentication
28 of deposition transcripts, written discovery responses, and the receipt of documents in

1 discovery if the fact that the document was in the opponent's possession is of
2 independent significance. Documentary evidence as to which there is no stipulation
3 regarding foundation must be accompanied by the testimony, either by declaration or
4 properly authenticated deposition transcript, of a witness who can establish its
5 authenticity.

6 All evidence in support of or in opposition to a motion for summary judgment,
7 including declarations and exhibits to declarations, shall be separated by a tab divider
8 on the bottom of the page. If evidence in support of or in opposition to a motion for
9 summary judgment exceeds twenty pages, the evidence must be in a separately bound
10 volume and include a Table of Contents. If the supporting evidence exceeds fifty pages,
11 the documents shall be placed in a Slant D-Ring binder with each item of evidence
12 separated by a tab divider on the right side. All documents contained in the binder
13 should be three-hole-punched.

14 (iii) Objections to Evidence. If a party disputes a fact based in
15 whole or in part on an evidentiary objection, the ground for the objection, as indicated
16 above, should be stated in the Separate Statement, but not argued in that document.
17 Evidentiary objections should be addressed in a separate memorandum to be filed with
18 the opposition or reply brief of the party. This memorandum should be organized **to**
19 **track the paragraph numbers of the Separate Statement in sequence**. It should
20 identify the specific item of evidence to which objection is made, the ground for the
21 objection, and a very brief argument with citation to authority as to why the objection
22 is well taken. The following is an example of the format contemplated by the Court:

23 Separate Statement Paragraph 1: Objection to the supporting deposition
24 transcript of Jane Smith at 60:1-10 on the grounds that the statement constitutes
25 inadmissible hearsay and no exception is applicable. To the extent it is offered to prove
26 her state of mind, it is irrelevant since her state of mind is not in issue. Fed. R. Evid.
27 801, 802.

DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE OPPONENT'S STATEMENTS OF UNDISPUTED FACT. THESE WILL BE DISREGARDED AND OVERRULED.

(iv) The Memorandum of Points and Authorities.

The movant's memorandum of points and authorities should be in the usual form required under Local Rule 7 and should contain a narrative statement of facts as to those aspects of the case that are before the Court. All facts should be supported with citations to the paragraph number in the Separate Statement that supports the factual assertion.

Unless the case involves some unusual twist, the motion need only contain a brief statement of the Fed. R. Civ. P. 56 standard; the Court is familiar with the Rule and with its interpretation under *Celotex* and its progeny. If at all possible, the argument should be organized to focus on the pertinent elements of the claim(s) for relief or defense(s) in issue, with the purpose of showing the existence or non-existence of a genuine issue of material fact for trial on that element of the claim or defense.

Likewise, the opposition memorandum of points and authorities should be in the usual form required by Local Rule 7. Where the opposition memorandum sets forth facts, the memorandum should cite to paragraphs in the Separate Statement if they are not in dispute, to the evidence that contravenes the fact where the fact is in dispute, or, if the fact is contravened by an additional fact in the Statement of Genuine Issues of Material Fact, the citation should be to such fact by paragraph number.

(v) Proposed Statement of Decision. Each party shall file and serve a Proposed Statement of Decision, which shall contain a statement of the relevant facts and applicable law with citations to case law and the record. The Proposed Statement of Decision shall not exceed five pages and shall be in a form that would be appropriate for the Court to enter as its final order on the motion.

(vi) Timing. In virtually every case, the Court expects that the moving party will provide more than the minimum twenty-one day notice for such motions. **[NOTE: Parties need not wait until the motion cut-off to bring motions**

1 **for summary judgment or partial summary judgment. Early completion of**
2 **non-expert discovery and filing of motions for summary judgment may eliminate**
3 **or reduce the need for expensive expert depositions that are normally conducted**
4 **in the last stages of discovery.]**

5 e. **Avoid Composite Motions.** Unless clearly justified under the
6 circumstances of the case, "motions to dismiss or in the alternative for summary
7 adjudication" are discouraged. These composite motions tend to blur the distinctions
8 between the two motions.

9 f. **Motions in Limine.** Before filing any motion in limine, counsel for
10 the parties shall confer pursuant to Local Rule 7-3 in a good faith effort to eliminate the
11 necessity for hearing the motion in limine or to eliminate as many of the disputes as
12 possible. It shall be the responsibility of counsel for the moving party to arrange for this
13 conference. The motion papers must include a declaration showing a good faith meet
14 and confer effort. The conference shall take place in person within ten calendar days of
15 service upon opposing counsel of a letter requesting such a conference, but in no event
16 later than twenty-one days before the Pre-Trial Conference. If both counsel are not
17 located in the same county in the Central District, the conference may take place by
18 telephone.

19 If counsel are unable to resolve their differences, they shall prepare a separate,
20 sequentially numbered Motion in Limine for each issue in dispute which contains a clear
21 caption which identifies the moving party and the nature of the dispute (i.e., "Plaintiff's
22 Motion in Limine #1 to exclude the testimony of Defendant's expert"). The Motion in
23 Limine shall contain a clear identification of the testimony, exhibits, or other specific
24 matters alleged to be inadmissible and/or prejudicial and a statement of the specific
25 prejudice that will be suffered by the moving party if the motion is not granted. The
26 identification of the matters in dispute shall be followed by each party's contentions and
27 each party's memorandum of points and authorities. The title page of the Joint Motion
28

1 in Limine must state the Pre-Trial Conference date, hearing date for the motions in
2 limine, and the trial date.

3 Motions in Limine made for the purpose of precluding the mention or display of
4 inadmissible and/or prejudicial matter in the presence of the jury shall be accompanied
5 by a declaration that includes the following: (1) a clear identification of the specific
6 matter alleged to be inadmissible and/or prejudicial; (2) a representation to the Court that
7 the subject of the motion in limine has been discussed with opposing counsel, and that
8 opposing counsel has either indicated that such matter will be mentioned or displayed
9 in the presence of the jury before it is admitted in evidence or that counsel has refused
10 to stipulate that such matter will not be mentioned or displayed in the presence of the
11 jury unless and until it is admitted in evidence; and (3) a statement of the specific
12 prejudice that will be suffered by the moving party if the motion in limine is not granted.

13 Unless ordered by the Court, no supplemental memorandum of points and
14 authorities shall be filed by either party in connection with any motion in limine.

15 All evidence in support of or in opposition to a motion in limine, including
16 declarations and exhibits to declarations, shall be separated by a tab divider on the
17 bottom of the page. If evidence in support of or in opposition to a motion in limine
18 exceeds twenty pages, the evidence must be in a separately bound volume and include
19 a Table of Contents. If the supporting evidence exceeds fifty pages, the documents shall
20 be placed in a Slant D-Ring binder with each item of evidence separated by a tab divider
21 on the right side. All documents contained in the binder should be three-hole-punched.

22 Unless otherwise ordered by the Court, motions in limine will be heard on the date
23 specified on the last page of this Order. Unless the Court in its discretion otherwise
24 allows, no motions in limine shall be filed or heard on an ex parte basis, absent a
25 showing of irreparable injury or prejudice not attributable to the lack of diligence of the
26 moving party. The moving party shall file with the Court and serve its Motion in Limine
27 on the responding party on or before the date for filing of motions in limine indicated in
28 the Schedule of Trial and Pre-trial Dates. The responding party shall then file with the

1 Court and serve an opposition to the Motion in Limine on the moving party at least
2 seven (7) days prior to the date for the hearing on motions in limine. Neither party's
3 submissions with respect to a Motion in Limine shall exceed eight (8) pages.

4 7. **Final Pre-Trial Conference and Local Rule 16 Filings**

5 a. **General Provisions.** The Final Pre-Trial Conference ("PTC") will
6 be held on the date specified on the last page of this Order, unless the Court expressly
7 waived the PTC at the Scheduling Conference. (In the rare cases where the Court waives
8 a PTC, the parties must follow Local Rule 16-10.) If adjustments in the Court's calendar
9 to accommodate congestion become necessary, the Court may re-schedule the PTC
10 instead of the trial date. Therefore, the parties should assume that if the PTC goes
11 forward, the trial will go forward without continuance, although some brief period of
12 trailing may prove necessary.

13 The lead trial attorney on behalf of each party shall attend both the PTC and all
14 meetings of the parties in preparation for the PTC, unless excused for good cause shown
15 in advance of the PTC.

16 A continuance of the PTC at the parties' request or by stipulation is highly
17 unlikely. **Specifically, failure to complete discovery is not a ground for continuance.**
18 In the unlikely event that the Court agrees to continue the PTC, the trial date is likely to
19 be delayed as a result. If a change to the trial date is necessitated or likely because of the
20 Court's calendar or otherwise, modifications of that date will be discussed at the PTC.

21
22 At the PTC, the parties should be prepared to discuss means of streamlining the
23 trial, including, but not limited to the following: bifurcation; presentation of foundational
24 and non-critical testimony and direct testimony by deposition excerpts; narrative
25 summaries and/or stipulations as to the content of testimony; presentation of testimony
26 on direct examination by affidavit or by declaration subject to cross-examination; and
27 qualification of experts by admitted resumes. The Court will also discuss settlement.

1 b. **Form of the Final Pre-Trial Conference Order ("PTCO").**

2 The proposed PTCO shall be lodged by the date specified on the last page of this
3 Order. Adherence to this time requirement is necessary for in-chambers preparation of
4 the matter. The form of the proposed PTCO shall comply with Appendix A to the Local
5 Rules and Judge Wright's Order for Civil Trial.

6 c. **Rule 16 Filings; Memoranda; Witness Lists; Exhibit Lists.**

7 The parties must comply fully with the requirements of Local Rule 16 and
8 Judge Wright's Order for Civil Trial. They shall file carefully prepared Memoranda
9 of Contentions of Fact and Law (which may also serve as the trial brief), along with
10 their respective Witness Lists and Exhibit Lists, all in accordance with Local Rules
11 16-3, 16-4, and 16-5. See the last page of this Order for applicable dates.

12 d. **Joint Statement of the Case and Requests for Voir Dire**

13 At the PTC, the parties shall file their proposed voir dire questions and their
14 joint statement of the case which the Court shall read to all prospective jurors prior to
15 the commencement of voir dire. The statement should not be longer than two or
16 three paragraphs.

17 The Court conducts voir dire of all prospective jurors. The parties need not
18 submit requests for standard voir dire questions such as education, current
19 occupations, marital status, prior jury service, etc., but should include only proposed
20 questions specifically tailored to the parties and issues of the case.

21 8. **SETTLEMENT**

22 This court will not conduct settlement conferences in non-jury cases unless
23 counsel for all parties and their respective clients agree either in writing or on the record.
24 In jury cases, the Court will conduct a settlement conference at the parties' joint request
25 if three conditions exist:

- 26 (a) The parties are satisfied that the fact issues in the case will be tried by a jury;
27 (b) All significant pre-trial rulings which the Court must make have been made;
28 and

1 (c) The parties desire the Court to conduct the conference, understanding that
2 if settlement fails, the Court will preside over trial of the case.

3 The parties must file a Status Report regarding settlement at the time they lodge
4 the Proposed Final Pre-Trial Conference Order. This Report shall not disclose the
5 parties' settlement positions, i.e. the terms of any offers or demands. It shall merely
6 describe the efforts made by the parties to resolve the dispute informally, i.e. the
7 occasions and dates when the parties participated in mediation or settlement conferences.
8 The Status report shall also include the name and phone number of the Settlement
9 Officer who assisted the parties with their settlement conference.

10
11 **Caveat: If counsel fail to file the required Pre-Trial documents or fail to appear**
12 **at the Pre-Trial Conference and such failure is not otherwise satisfactorily**
13 **explained to the Court: (a) the cause shall stand dismissed for failure to**
14 **prosecute if such failure occurs on the part of the plaintiff; (b) default judgment**
15 **shall be entered if such failure occurs on the part of the defendant; or (c) the**
16 **Court may take such action as it deems appropriate.**

17
18 Dated:

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OTIS D. WRIGHT II
22 United States District Judge
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27 Revised: 4/08
28

JUDGE OTIS D. WRIGHT II
SCHEDULE OF TRIAL AND PRE-TRIAL DATES

Matter	Time	Weeks before trial	Plaintiff(s) (Requests)	Defendant(s) (Requests)	Court Order
Trial (jury) (court) Estimated length: ____ days	9:00 am				
[Jury trial] Hearing on Motions in Limine; Hearing on Disputed Jury Instructions	1:30 pm	-1			
[Court trial] Hearing on Motions in Limine; File Trial Briefs and Findings of Fact/Conclusions of Law	1:30 am	-2 14 cal. days before trial			
Pre-Trial Conference; File Proposed Voir Dire Qs and Agreed-to Statement of Case	3:30 am	-4			
Lodge Pre-Trial Conf. Order; File Motions in Limine; Memo of Contentions of Fact and Law; Pre-Trial Exhibit Stipulation; Summary of Witness Testimony and Time Estimates; File Status Report re: Settlement; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re: Disputed Instructions, Verdicts, etc.		-5			
Last day for hearing motions*	1:30 pm	-9			
Discovery cut-off		-10			

[Nothing in this Order shall alter or reopen any deadline that has occurred, including the _____ non-expert discovery cut-off.]

Complaint Filed _____	Notice of Removal Filed _____
Answer Filed _____	DOES to be Dismissed _____
Counter Claim Filed _____	Have all parties appeared? _____
	If not, list: _____

Last day to conduct Settlement Conference					
Last day to file Joint Report regarding results of Settlement Conference					

* Motions for class certification shall be filed in accordance with Local Rule 23-3.

Rev. 5/07